

REMARKS

Reconsideration and withdrawal of the rejection with respect to all of the claims now in the application (i.e., Claims 1-8 and 11-21) is respectfully requested in view of the foregoing amendments and the following remarks.

Initially, Applicant wishes to thank the Examiner for indicating that Claims 10 and 11 would be allowable if rewritten to overcome the §112, 2nd paragraph rejection and include all of the limitations of the base claim and any intervening claims. Therefore, by this amendment, Applicant has amended Claim 1 to include the subject matter of now cancelled Claim 10 and has added new Claim 12 which incorporates the subject matter of independent Claim 1 and dependent Claim 11 to form a new independent claim. Applicant has also deleted Claim 9 as being inconsistent with amended Claim 1 and has added new dependent Claims 13-21 which are dependent on Claim 12 and correspond to the claims dependent on Claim 1.

Furthermore, Applicant amended the claim language to place the claims in more proper U.S. format. Particularly, Applicant has amended the terminology of "looping angle" in Claims 1 and 21 to define it as to "span a circular arc" of more than 180° and the terminology that the hood is "set onto" said sleeve, to "disposed on" said sleeve, both of which are shown in the drawings and described in the specification and, therefore, are not new matter.

Applicant has also amended the specification to delete the list of reference symbols on page 6 and has amended the last paragraph on page 5 of the specification to include

“or tapping channel” which is the alternative name of the tapping bore 38 that was included in the now deleted list of reference symbols.

In regard to the objection to the drawings on the grounds that they fail to show how the sleeve 10, piston 12 and the hood or foam throttle 14 fit together or disassemble as described in the specification, Applicant submits herewith replacement sheets for all of the figures in the application. Figs. 1-4 are the same as the original figures, but merely renumbered to indicate that they are sheets 1/5, 2/5, 3/5 and 4/5. As requested by the Examiner, Applicant submits herewith a new Fig. 5 which is an exploded schematic view derived from Figs. 1-4 which more clearly shows how these parts fits together. In connection therewith, Applicant has amended the brief description of the figures on pages 3 and 4 of the specification to place it in more proper U.S. format. Applicant has also amended page 4 of the specification to mention new Fig. 5. It is respectfully submitted that new Fig. 5 merely represents an exploded view of that shown in Figs. 1-4 and does not add new matter to the application.

In regard to the §112 rejections, Applicants submit herewith new Fig. 5 which shows how the sleeve 10, piston 12 and the hood or foam throttle 14 fit together or disassemble. It is respectfully submitted that this figure shows what the ribs 26 hold together and how the hood 14 fits into the sleeve 10. Furthermore, it is submitted that the assembly of the foam throttle 14 and the beaker body 16 is sufficiently described on page 5 of the specification, in the second and third paragraphs. Consequently, it is believed that such overcomes the §112 rejections.

As a result, since the two independent claims, namely, Claim 1 represents the subject matter of Claim 1 and tentatively allowed Claim 10 and Claim 12 and incorporates the subject matter of Claim 1 and tentatively allowed Claim 11 and such claims have been amended to address the §112 rejections, it is believed that all of the claims are in condition for allowance.

Finally, Applicant hereby requests a three (3) month extension of time in which to respond to the outstanding Office Action. Credit Card payment in the amount of five hundred fifty-five dollars (\$555) is submitted electronically to cover the official fee. Any fee deficiency or overpayment may be charged or credited to Deposit Account No. 50-3990.

In view of the foregoing, it is respectfully submitted that the present invention as now set forth in Claims 1-8 and 11-21 is patentable over the cited art and, therefore, allowance of the aforesaid claims at an early date is earnestly solicited.

Respectfully submitted,

BATSCHIED ET AL.



Thomas M. Galgano, Esq.

Registration No. 27,638

Jessica G. Bower, Esq.

Registration No. 64,438

GALGANO & ASSOCIATES, PLLC

Attorneys for Applicant

20 West Park Avenue, Suite 204

Long Beach, New York 11561

Telephone: 516-431-1177

TMG\JGB\jgg\kdd

Encl's: 5 sheets of Replacement Drawings

F:\G&A\309712\amendment.wpd